INTERSTATE SHIPMENT: From the State of New York into the State of Massachusetts, of a quantity of *pentobarbital sodium capsules.*

ALLEGED VIOLATION: On or about July 5, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of the drug to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drug failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged drug failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: June 24, 1952. Pleas of guilty having been entered, the court imposed a fine of $100 against the individual and a fine of $1 against the corporation.

3727. Misbranding of pentobarbital sodium capsules. U. S. v. Fred J. Kwako (Kwako Drugs). Plea of guilty. Fine, $100. (F. D. C. No. 31292. Sample Nos. 76000–K, 91442–K, 91445–K, 19212–L, 19224–L.)

INFORMATION FILED: December 19, 1951, District of Minnesota, against Fred J. Kwako, trading as Kwako Drugs, at Pelican Rapids, Minn.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Minnesota, of a number of *pentobarbital sodium capsules.*

ALLEGED VIOLATION: On or about November 27 and December 6 and 20, 1950, and January 9 and February 15, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of capsules to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged drug failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: May 5, 1952. A plea of guilty having been entered, the court imposed a fine of $100.